



09 MAY 2007

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In re Application of	:	
STREET, Gary Nathan	:	DECISION
Application No.: 10/583,190	:	
PCT No.: PCT/GB04/04223	:	ON PETITION UNDER
Int. Filing Date: 05 October 2004	:	
Priority Date: 13 October 2003	:	37 CFR 1.137(b)
Docket No.: None	:	
For: MULTIFUNCTIONAL FURNITURE	:	

This is a decision on applicants' "Petition For Revival of an Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," filed in the above-captioned application on 16 November 2006.

### **BACKGROUND**

On 02 October 2006, the Office mailed Decision On Petition Under 37 CFR 1.137(b), dismissing applicant's petition.

On 03 November 2006, the Office mailed Notification of Abandonment, indicating the application went abandoned for failure to pay the basic national fee and for failure to make the required statement of unintentional delay.

On 16 November 2006, applicant submitted a renewed petition, accompanied by the petition fee and basic national fee.

### **DISCUSSION**

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (2) the required reply, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995). Pursuant to 37 CFR 1.137(b)(3), additional information may be required where there is a question whether the delay was unintentional.

Items (1) and (4) were previously satisfied.

Items (2) and (3) have now been satisfied. The basic national fee and petition fee have been paid.

Additionally, the Notification of Abandonment incorrectly indicated that the earlier petition was dismissed for failure to make the necessary statement of unintentional delay. The statement was made.

### CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.137(b) is GRANTED.

The Notification of Abandonment (Form PCT/DO/EO/909) is VACATED.

This application is being referred to the national stage processing division of the Office of PCT Operations for further action consistent with this decision, including the mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that the surcharge for late filing of the search fee, examination fee or oath or declaration is required.



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